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7 Attorneys for Defendant
MAXIM INTEGRATED PRODUCTS, INC.

8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 Gregory Bender,

13 Plaintiff,

14 v.

15 Maxim Integrated Products, Inc.,

16 Defendant.

Case No. C 09-01152 SI

**DECLARATION OF CORA L.
SCHMID IN SUPPORT OF MAXIM
INTEGRATED PRODUCTS, INC.'S
REPLY TO OPPOSITION TO
MOTION FOR SANCTION OF
DISMISSAL**

17 I, Cora L. Schmid, duly declare and say:

18 1. I am an attorney with the law firm of Jones Day, counsel of record for Defendant
19 Maxim Integrated Products, Inc. ("Maxim"). I have personal knowledge of the facts set forth in
20 this declaration and, if called to testify as a witness, could and would do so competently.

21 2. Attached as Exhibit A is a true and correct copy of excerpts from the May 11,
22 2010 hearing transcript in *Bender v. Infineon Techs. N. Am. Corp.*, N.D. Cal. Case No. C 09-
23 02112 JW (HRL).

24 3. Attached as Exhibit B is a true and correct copy of excerpts from the transcript of
25 the deposition of Kenneth D. Pedrotti, taken on March 10, 2010, in *Bender v. Infineon Techs. N.
26 Am. Corp.*, N.D. Cal. Case No. C 09-02112 JW (HRL).

27 4. Attached as Exhibit C is a true and correct copy of the June 9, 2010 Declaration of
28 David N. Kuhn in Support of Opposition to Motion to Strike, filed in *Bender v. Advanced Micro*

1 *Devices, Inc.*, N.D. Cal. Case No. C 09-01149 MMC EMC.

2 5. Attached as Exhibit D is a true and correct copy of the June 16, 2010 declaration
3 of Sara Jeruss (without exhibits), filed in *Bender v. Advanced Micro Devices, Inc.*, N.D. Cal. Case
4 No. C09-01149 MMC (EMC).

5 6. Attached as Exhibit E is a true and correct copy of the September 15, 2009
6 declaration of Matthew Garong (without exhibits), filed in *Bender v. Maxim Integrated Prods.*,
7 *Inc.*, N.D. Cal. Case No. C 09-01152 SI. This document was originally filed as Docket No. 26.

8 7. Attached as Exhibit F is a true and correct copy of the October 13, 2009
9 supplemental declaration of Matthew Garong, filed in *Bender v. Maxim Integrated Prods., Inc.*,
10 N.D. Cal. Case No. C 09-01152 SI. This document was originally filed as Docket No. 27.

11 8. Attached as Exhibit G is a true and correct copy of excerpts from the transcript of
12 the deposition of Seregio Franco, taken on July 12, 2010, in *Bender v. Maxim Integrated Prods.*,
13 *Inc.*, N.D. Cal. Case No. C 09-01152 SI.

14 9. Attached as Exhibit H is a true and correct copy of excerpts from a United States
15 Patent and Trademark Office communication concerning Application No. 90/010,058, dated
16 October 3, 2008. This document was originally filed as Docket No. 48-7 in *Bender v. LG*
17 *Electronics U.S.A., Inc.*, N.C. Cal. Case No. C09-02114 RS.

18 10. Attached as Exhibit I is a true and correct copy of excerpts from the October 29,
19 2009 hearing transcript in *Bender v. Intersil Corp.*, N.D. Cal. Case No. C09-01155 (CW).

20 11. Attached as Exhibit J is a true and correct copy of *FusionArc, Inc. v. Solidus*
21 *Networks, Inc.*, No. C 06-06760 RMW (RS), 2007 U.S. Dist. LEXIS 29870 (N.D. Cal. Apr. 5,
22 2007).

23 12. Attached as Exhibit K is a true and correct copy of *Network Caching Tech., LLC v.*
24 *Novell, Inc.*, No. C-01-2079 VRW, 2003 U.S. Dist. LEXIS 9881 (N.D. Cal. Mar. 21, 2003).

25 13. Attached as Exhibit L is a true and correct copy of *Renesas Tech. Corp. v. Nanya*
26 *Tech. Corp.*, 2004 WL 2600466 (N.D. Cal. Nov. 10, 2004).

27 14. Attached as Exhibit M is a true and correct copy of *Bender v. Advanced Micro*
28 *Devices, Inc.*, No. C-09-1149 MMC, 2010 U.S. Dist. LEXIS 11539 (N.D. Cal. Feb. 1, 2010).

15. Attached as Exhibit N is a true and correct copy of *Bender v. Micrel Inc.*, No. C 09-01144 SI, 2010 U.S. Dist. LEXIS 18134 (N.D. Cal. Feb. 6, 2010).

16. Attached as Exhibit O is a true and correct copy of *Bender v. Freescale Semiconductor, Inc.*, No. C 09-1156 PHJ (MEJ), 2010 WL 1689465 (N.D. Cal. Apr. 26, 2010).

17. Attached as Exhibit P is a true and correct copy of *Bender v. Advanced Micro Devices, Inc.*, No. C-09-1149 MMC (EMC) (N.D. Cal. Apr. 22, 2010).

18. Attached as Exhibit Q is a true and correct copy of *Bender v. Broadcom Corp.*, No. C 09-01147 MHP, 2010 U.S. Dist. LEXIS 28336 (N.D. Cal. Mar. 23, 2010).

19. Attached as Exhibit R is a true and correct copy of *Bender v. Maxim*, No. C 09-01152 SI, 2010 U.S. Dist. LEXIS 32115 (N.D. Cal. Mar. 22, 2010).

20. Attached as Exhibit S is a true and correct copy of *Bender v. Infineon Techs. N. Am. Corp.*, No. C09-02112 JW (HRL), 2010 U.S. Dist. LEXIS 24193 (N.D. Cal. Mar. 16, 2010) (designated "not for citation").

21. Attached as Exhibit T is a true and correct copy of *Bender v Infineon Techs. N. Am. Corp.*, No. C09-02112 JW (HRL), 2010 U.S. Dist. LEXIS 24096 (N.D. Cal. Mar. 16, 2010) (designated "not for citation").

22. Attached as Exhibit U is a true and correct copy of *Bender v. Int'l Business Machines Corp.*, Case No. C 09-01249 RMW (RS), 2009 U.S. Dist. LEXIS 126510 (N.D. Cal. Nov. 13, 2010).

23. Attached as Exhibit V is a true and correct copy of *Bender v. Intersil Corp.*, No. C 09-01155 CW, 2009 U.S. Dist. LEXIS 126515 (N.D. Cal. Oct. 29, 2009).

1 I declare under penalty of perjury that the foregoing is true and correct. Executed on this
2 day of July 16, 2010.

3
4 By: 

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